

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DANIEL LASTRES,

Plaintiff,

- against -

CITY OF NEW YORK; POLICE OFFICER NIKOLAOS
LIANDRAKIS, SHIELD # 14803, CAPTAIN CHRISTOPHER
TREUBIG (6TH PRECINCT), AND NYPD Officers JOHN and
JANE DOE 1 through 10, individually and in their official
capacities (the names John and Jane Doe being fictitious, as the
true names are presently unknown),

Defendants.
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NOTICE OF REMOVAL

Docket No. 21 Civ 10742

Law Dep't No.: 2021-002017

**TO: THE UNITED STATES DISTRICT COURT,
SOUTHERN DISTRICT OF NEW YORK**

Defendant CITY OF NEW YORK (the "City"), by and through its attorney, Georgia M.
Pestana, Corporation Counsel of the City of New York, respectfully shows this Court as follows:

1. Upon information and belief, on November 16, 2021, the City was served with a
Summons and Verified Complaint in the above-entitled action, pending in the Supreme Court of
the State of New York, County of New York, under Index No. 159808/2021, naming the City,
Police Officer Liandrakis, and Captain Treubig as defendants therein, and setting forth the claims
for relief upon which the action is allegedly based. A copy of Plaintiff's Summons and Verified
Complaint, filed October 28, 2021, is annexed hereto as "Exhibit A."

2. Upon information and belief, on November 16, 2021, Police Officer Liandrakis
was served with a Summons and Verified Complaint at the 6th Precinct of the New York City
Police Department in the above-entitled action.

3. Upon information and belief, Captain Treubig has not been served with the Summons and Verified Complaint. A review of the New York State Courts Electronic Filing System on December 15, 2021, at approximately 1:15 PM, revealed that no affidavit of service for Captain Treubig has been filed.

4. On or about December 1, 2021, the City interposed an Answer to the Summons & Complaint. A copy of the City's Verified Answer, electronically filed on 1, 2021, is annexed hereto as Exhibit B.

5. The above-captioned action is a civil action of which the United States District Court has original jurisdiction in that it includes causes of action which arise under the Constitution and laws of the United States, pursuant to 28 U.S.C. § 1331. This action is therefore removable to the United States District Court without regard to the citizenship or residence of the parties.

6. Plaintiff brings this lawsuit pursuant to 42 U.S.C. § 1983 alleging, *inter alia*, claims of false arrest, malicious prosecution, excessive force, denial of a right to fair trial, and failure to intervene. See Ex. A. Plaintiff also alleges various causes of action pursuant to state law. See id.

7. This Notice of Removal is timely because it is being filed within thirty (30) days of receipt of the initial pleading by the City. See 28 U.S.C. § 1446(b).

8. Officer Liandrakis, and Captain Treubig consent to removal of this action to federal court. Copies of their Consent to Removal forms are annexed hereto as Exhibit C.


9. The City will promptly file a copy of this Notice of Removal with the Clerk of the state court in which the action has been pending.

10. The City is unaware of any previous application for the relief requested herein.

WHEREFORE, the City respectfully requests that the above-captioned action be removed from the Supreme Court of the State of New York, County of New York, to the United States District Court for the Southern District of New York.

Dated: New York, New York
December 15, 2021

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